

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH WRIGHT, on his own behalf and
on behalf of other similarly situated persons,

Plaintiff,

v.

LYFT, INC., a Delaware Corporation,

Defendants.

Case No. 2:14-cv-00421-MJP

JOINT STATUS REPORT

1. On January 6, 2015, the Court stayed this case under the doctrine of primary jurisdiction pending rulings on two petitions before the Federal Communications Commission. *See Order Granting Defendant's Motion to Stay* (Dkt. No. 40.)

2. On June 11, 2015, the Court issued an order directing the parties to file a joint status report regarding the status of FCC proceedings. (Dkt. No. 46.)

3. On June, 22, 2015, the parties submitted a Joint Status Report stating that rulings would soon issue from the FCC. (Dkt. No. 47.) The Court then issued a Minute Order directing the parties to file a further joint status report after the FCC issued the declaratory rulings. (Dkt. No. 48.)

4. On July 10, 2015, the FCC issued its Declaratory Ruling and Order addressing requests to clarify various requirements under the TCPA and the agency's implementing rules. *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*,

1 Declaratory Ruling and Order, CG Docket No. 02-278, WC Docket No. 07-135, FCC 15-72 (Jul.
2 10, 2015) ("FCC Order").

3 5. After receipt of the FCC Order, the parties scheduled a second mediation with the
4 Honorable Terry Lukens (Ret.) on October 6, 2015. On July 24, 2015, the Court issued a Minute
5 Order directing the parties to file a further joint status report no later than October 20, 2015.
6 (Dkt. No. 50.)

7 6. The parties have been unable to resolve the matter in mediation. Defendant
8 requests leave to file new motion papers to renew its motion to dismiss. Plaintiff requests leave
9 to renew his motion to certify certain state law issues to the Washington Supreme Court. The
10 parties have conferred regarding a briefing schedule for these matters and hereby request leave
11 (a) for defendant to renew its motion to dismiss with the filing of new motion papers, with the
12 motion noted on the Court's calendar for December 11, 2015; and (b) for plaintiff to renew his
13 request for certification to the Washington Supreme Court in the papers filed by plaintiff in
14 response to defendant's motion.

15 RESPECTFULLY SUBMITTED: October 20, 2015.

16 /s/ Donald W. Heyrich, WSBA #23091

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CERTIFICATE OF SERVICE

On October 20, 2015, I caused the foregoing document to be filed with the Clerk of the United States District Court, Western District of Washington, using the ECF system, which will cause a copy to be served on the following:

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